

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

AIR ALLIANCE HOUSTON, *et al.*, )  
Petitioners, )  
v. ) No. 19-1260 (and consolidated cases)  
U.S. ENVIRONMENTAL )  
PROTECTION AGENCY, *et al.*, )  
Respondents. )

## EPA STATUS REPORT

In compliance with the Court’s Order of October 6, 2022 (Doc. #1967891), Respondent United States Environmental Protection Agency (“EPA”) submits this status report regarding its reconsideration of the 2019 “Risk Management Program” regulations promulgated at 40 C.F.R. Pt. 68, 84 Fed. Reg. 69,834 (Dec. 19, 2019) (“2019 Rule”), which are challenged in the above-captioned consolidated petitions for review.

As EPA noted in its unopposed motion to continue abeyance in these cases (Doc. #1967110), on August 31, 2022, EPA published a notice of proposed rulemaking in the Federal Register that proposed amendments to several aspects of the 2019 Rule, as well other matters. “Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Safer Communities by Chemical Accident Prevention.” 87 Fed. Reg. 53,556 (“Safer

Communities Notice”). EPA held public hearings on the proposed rule on September 26, 27, and 28, 2022. The public comment deadline for the proposed rule was October 31, 2022.

EPA received approximately 58,000 public comments on the Safer Communities Notice, many of which appear to be of similar form. EPA is in the process of evaluating the public comments and other information as it prepares to take final action on the proposed amendments.

Because EPA’s reconsideration of the 2019 Rule is ongoing, this case should remain in abeyance.

Dated: February 13, 2023

Respectfully submitted,

/s/ Andrew S. Coghlan  
Andrew S. Coghlan  
U.S. Department of Justice  
P.O. Box. 7611  
Washington, D.C. 20044  
(202) 532-3252  
Andrew.Coghlan@usdoj.gov

*Counsel for Respondents*

**CERTIFICATE OF COMPLIANCE**

I hereby certify that this filing complies with the requirements of Fed. R. App. P. 27(d)(1)(E) because it has been prepared in 14-point Times New Roman, a proportionally spaced font.

/s/ Andrew S. Coghlan  
Counsel for Respondents

**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing Unopposed Motion for Abeyance have been served through the Court's CM/ECF system on all registered counsel this 13th day of February, 2023.

*/s/ Andrew S. Coghlan*  
Counsel for Respondents